



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith McCloghrie, et al.

Confirmation No. 6843

Serial No.: 09/106,519

Group Art Unit No.: 2661

Filed: June 29, 1998

Examiner: Bob Phunkulh

For: SAMPLING PACKETS FOR NETWORK MONITORING

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Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

MAR 05 2004

Technology Center 2600

REPLY TO OFFICE ACTION

Sir:

In response to the Office Action mailed December 1, 2003, the shortened statutory period for which runs until March 1, 2004, please reconsider the subject application in view of the following remarks.

Applicants thank the Examiner for allowing claims 3-6, 22-24, and 27-28. In this response, no claims have been amended, cancelled, or added. Claims 3, 5-7, and 9-44 are pending in the application. Each issue raised in the Office Action mailed December 1, 2003 is addressed hereinafter.

1. Rejection of Claims 7, 10, 25-26, 29, 31 and 43-44 Under 35 U.S.C. § 103(a)

The Office Action rejects claims 7, 10, 25-26, 29, 31 and 43-44 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. No. 5,315,580 to Phaal (hereinafter "Phaal") in view of U.S. Pat. No. 5,559,801 to Lo (hereinafter "Lo"). Applicants respectfully traverse the rejections, because the Office Action fails to factually support any *prima facie* conclusion of obviousness.